

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 6, 13-14, and 24-31 are requested to be cancelled without prejudice.

Claims 1, 12, and 23 are currently being amended. No new matter is added.

Claims 32 and 33 are being added. No new matter is added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-5, 7-12, 15-23, and 32-33 are now pending in this application.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejected Claims 12-19, 22, 26, and 29-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,377,173 (“Desai”).

Claim 12 (as amended) is in independent form and recites a “trainable transceiver system” comprising, in combination with other elements, “a trainable transceiver … configured to … retransmit the characteristic of the activation signal via an optical signal sent from an LED” … “wherein the trainable transceiver is configured to light the LED during a training process of the trainable transceiver to visually communicate information to a user of the system.” Claims 15-22 depend from independent Claim 12.

Desai does not identically disclose a “trainable transceiver system” comprising, among other elements, “a trainable transceiver … configured to … retransmit the characteristic of the

activation signal via an optical signal sent from an LED” ... “wherein the trainable transceiver is configured to light the LED during a training process of the trainable transceiver to visually communicate information to a user of the system” as recited in independent Claim 12 (as amended). Claim 12 (as amended) is therefore patentable over the Examiner’s 35 U.S.C. § 102(e) rejection based on Desai. Dependent Claims 15-22, which depend from independent Claim 12, are also patentable. See 35 U.S.C. § 112 ¶ 4. The Applicant respectfully requests withdrawal of the rejection of Claims 12, 15-19, and 22 under 35 U.S.C. § 102(e).

Claim Rejections – 35 U.S.C. § 103

On page 4 of the Office Action, the Examiner rejected Claims 1-11, 20, 21, 23-25, 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,377,173 (“Desai”) in view of U.S. Pub. No. 2002/0113686 (“Shannon”). The Examiner stated:

Desai discloses a trainable transceiver fixedly coupled to a vehicle interior element configured to receive a characteristic of an activation signal (via the control 22 fixed to a vehicle receiving the wireless signal from a control 30 of a garage door and learning the frequency and code from the received signal; see fig. 1; also see col. 2, lines 24-35), to store the characteristic of the activation signal in a memory (via control 22 storing the received frequency and code; see col. 2, lines 35), and to retransmit the characteristic of the activation signal (via control 22 transmitting the signal to a key/fob 37; see fig. 1; also see col. 2, lines 45-46); and a portable transmitter (via a key/fob 37) configured to receive the characteristic of the activation signal from the trainable transceiver, to store the activation signal characteristic, and to retransmit the stored activation signal characteristic (via a key/fob 37 receiving a wireless signal from the control 22 and storing the code of the garage door and later transmitting the code to activate the garage door; see col. 2, lines 44-64; also see fig. 1).

The Examiner acknowledged that Desai “fails to disclose that the trainable transceiver and the portable transmitter are able to communicate optically.”

The Examiner stated that Shannon discloses:

a transceiver 10 for transmitting and receiving the signals wherein the wireless communication between the transceiver 10 (portable transmitter) and the device 14 (vehicle controller) is performed optically, since the communication is performed optically the device 14 and transceiver 10 both have the ability of optical transmission and reception (see figs. 1-4; also see paragraph [0034]).

The Examiner concluded that:

From the teaching of Shannon it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trainable transceiver system of Desai to include the process of optical transmission as taught by Shannon since infra-red signal consume less power in transmitting the signal and it does not have as many restrictions on the signal characteristics because it does not fall under the control of the Federal Communications Commission (see paragraph [0005], 17-21).

The Applicant respectfully traverses the rejections.

Claim 1 (as amended) is in independent form and recites a “trainable transceiver system” comprising, in combination with other elements, “a light emitting diode (LED) configured to transmit the characteristic of the activation signal via an optical transmission to the optical receiver of the portable transmitter” ... “wherein the control circuit is configured to light the LED during a training process of the trainable transceiver system to visually communicate information to a user of the system.” Claims 2-5 and 7-11 depend from independent Claim 1.

The “trainable transceiver system” recited in independent Claim 1 (as amended) would not have been obvious in view of Desai, alone or in any proper combination with Shannon under 35 U.S.C. § 103(a). Desai alone or in any proper combination with Shannon does not disclose, teach or suggest a “trainable transceiver system” comprising, in combination with other elements, “a light emitting diode (LED) configured to transmit the characteristic of the activation signal via an optical transmission to the optical receiver of the portable transmitter” ... “wherein the control circuit is configured to light the LED during a training process of the trainable transceiver system to visually communicate information to a user of the system.” To transform the system of Desai

and the system of Shannon into a trainable transceiver as recited in Claim 1 (as amended) would require still further modification, and such modification is taught only by the Applicants' own disclosure.

The "trainable transceiver" recited in independent Claim 1, considered as a whole, would not have been obvious in view of Desai and/or Shannon. The rejection of Claim 1 over Desai in view of Shannon under 35 U.S.C. § 103(a) is improper. Therefore, Claim 1 is patentable over Desai in view of Shannon. Dependent Claims 2-5 and 7-11, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4. The Applicant respectfully requests withdrawal of the rejection of Claims 1-5 and 7-11 under 35 U.S.C. § 103(a).

New Claims 32-33 describe the additional feature of sending the activation signal via an RF transceiver in addition to transmitting the activation signal characteristic via the LED. Applicant respectfully submits that neither Desai nor Shannon nor the combination thereof recite the combination of elements of Claims 32 and 33.

Claim 23 (as amended) is in independent form and recites a "trainable transceiver" comprising, in combination with other elements, an LED configured to transmit the characteristic via an optical signal" ... "wherein the control circuit is configured to light the LED during a training process of the trainable transceiver system to visually communicate information to a user of the system." Claims 15-22 depend from independent Claim 12. Desai does not mention an LED and neither Desai nor Shannon disclose using the same LED to both visually communicate information to a user of the system during a training process *and* to transmit an activation signal characteristic. Applicant respectfully submits that Claim 23 is patentable over Desai and Shannon and respectfully requests that the Examiner's rejection of Claim 23 be withdrawn.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 5, 2008

By / Karl F. Reichenberger /

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5571
Facsimile: (414) 297-4900

Karl F. Reichenberger
Attorney for Applicant
Registration No. 60,726